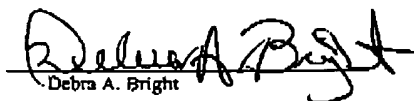


AUG 17 2006  
1AP7 Rec'd PCT/PTO 17 AUG 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/555,470  
Applicant : Dzwonczyk, et al.  
Filed : 11/02/2005  
Tech. Center/Art Unit : 3736  
Examiner : (Not yet assigned)  
Attorney File No. : OSU 2949 PCT/US  
Customer No. : 002555  
Confirmation Number : 4111  
For : Measuring Human Heart Muscle Viability Using  
: Myocardial Electrical Impedance

I hereby certify that this correspondence is sent by facsimile to the U.S. Patent and Trademark Office, Fax No. 571/273-8300  
this \_\_\_\_<sup>th</sup> day of August, 2006.

  
Debra A. Bright**Kremblas, Foster, Phillips & Pollick****Fax No.: 614/575-2149****No. of pages faxed: 6**

Office of Initial Patent Examination - Filing Receipt Correction  
Commissioner of Patents  
P.O. Box 1450  
Alexandra, VA 22313-1450

**REQUEST FOR CORRECTION OF FILING RECEIPT**

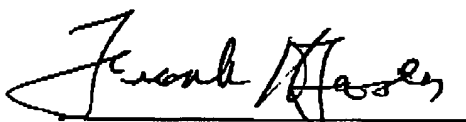
Upon receiving and reviewing the Filing Receipt for the above-identified application, Applicant's attorney has noted that the Patent Office clerical staff did not enter on the Official Filing Receipt that Applicant is a **small entity**. As can be seen on page two of the appended copy of the Transmittal Letter To The US Designated/Elected Office, an "X" was placed in the box and Applicant did claim small entity status under 37 CFR 1.27. It is therefore requested that the Patent Office correct their mistake, enter

Applicant as a **small entity** in the Patent Office computer, and issue a Corrected Filing Receipt.

A copy of the filing receipt showing the changes noted thereon, is appended with this request.

Respectfully submitted,

8/17/06  
Date of Signature

  
Frank H. Foster,  
Reg. No. 24,560  
KREMBLAS, FOSTER, PHILLIPS  
& POLLICK  
7632 Slate Ridge Blvd.  
Reynoldsburg, OH 43068  
614/575-2100

Our File No.: OSU 2949 PCT US

Appended: Copy of filing receipt with error indicated  
Copy of filed Transmittal Letter

G:\client\docs\ohio state university - osu\gen 2949 heart viability dzwonezyk\us\req to correct filing receipt.doc



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/555,470	11/02/2005	3736	600	OSU2949PCTUS	6	9	1

002555

KREMBLAS, FOSTER, PHILLIPS & POLLOCK  
7632 SLATE RIDGE BOULEVARD  
REYNOLDSBURG, OH 43068

CONFIRMATION NO. 4111

## FILING RECEIPT

\*OC000000019539045\*

Date Mailed: 07/13/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Roger R. Dzwonczyk, Columbus, OH;  
Carlos L. Del Rio, Columbus, OH;  
Patrick I. Connell, Columbus, OH;  
Michael B. Howie, Columbus, OH;

**Power of Attorney:** The patent practitioners associated with Customer Number 2555.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US04/17224 05/28/2004  
which claims benefit of 60/473,737 05/28/2003

## Foreign Applications

**Projected Publication Date:** 10/19/2006

**Non-Publication Request:** No

**Early Publication Request:** No

→ **Small Entity**  
**Title**

Measuring human heart muscle viability using myocardial electrical impedance

**Preliminary Class**

PTO-1380 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0851-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> OSU2949PCTUS
		U.S. APPLICATION NO. (If known, see 37 CFR 1.6)
<b>INTERNATIONAL APPLICATION NO.</b> PCT/US2004/017224	<b>INTERNATIONAL FILING DATE</b> 28 May 2004 (28.05.2004)	<b>PRIORITY DATE CLAIMED</b> 28 May 2003 (28.05.2003)
<b>TITLE OF INVENTION</b> Measuring Human Heart Muscle Viability Using Myocardial Electrical Impedance		
<b>APPLICANT(S) FOR DO/EO/US</b> Roger R. Dzwonczyk; Carlos L. del Rio; Patrick I. McConnell and Michael B. Howle		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (8) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.78.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

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This collection of information is required by 37 CFR 1.414 and 1.481-1.482. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT,

PTO-1360 (Rev. 07-2005)

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U.S. APPLICATION NO. (If known, see 37 CFR 1.6)		INTERNATIONAL APPLICATION NO. PCT/US2004/017224		ATTORNEY'S DOCKET NUMBER OSU 2949 PCT	
20. Other items or information:					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(d))				\$ 0.00	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) - .. \$0					
All other situations .. \$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$ 0.00	
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) - .. \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority - .. \$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB - .. \$400					
All other situations .. \$500					
TOTAL OF 21, 22 and 23 =				300.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	9 - 20 =		x \$ 60	\$ 0.00	
Independent claims	1 - 3 =		x \$200	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 0.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				0.00	
SUBTOTAL =				\$ 0.00	
Proceeding fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 300.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 300.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

PTO-1390 (Rev. 07-2005)

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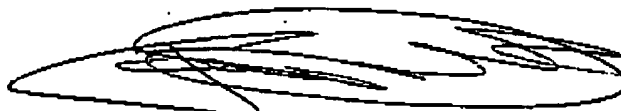
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- a. ☒ A check in the amount of \$ 300.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-3393. A duplicate copy of this sheet is enclosed.
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NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Address in connection with Customer No. 002555



SIGNATURE

11-2-2005

Frank H. Foster

NAME

24,560

REGISTRATION NUMBER

The PTO did not receive the following  
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